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SMITHKLINE BEECHAM CORPORATION d/b/a  
GLAXOSMITHKLINE and McKESSON  
CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROSE HEFNER AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
IRVING HEFNER (DECEASED)

DEBORAH CITRANO JOHNSON AS  
PERSONAL REPRESENTATIVE OF  
STEPHEN CITRANO (DECEASED)

Plaintiffs,

v.

SMITHKLINE BEECHAM  
CORPORATION d/b/a  
GLAXOSMITHKLINE and McKESSON  
CORPORATION,

Defendants.

Case No. CV-07-6050 JL  
(Pending Ruling on Motion to Relate Cases)

**DECLARATION OF KRISTA L.  
COSNER IN SUPPORT OF MOTION  
BY DEFENDANT SMITHKLINE  
BEECHAM CORPORATION d/b/a  
GLAXOSMITHKLINE TO STAY ALL  
PROCEEDINGS PENDING TRANSFER  
BY THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION TO  
MDL 1871 (E.D. PA)**

**DATE:** January 14, 2008  
**TIME:** 2:00 p.m.  
**COURTROOM:** 15  
**JUDGE:** Marilyn H. Patel

PENDING RULING ON MOTION TO RELATE CASES, THIS DOCUMENT  
RELATES TO THE FOLLOWING CASES:

*Bone, et al. v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and  
McKesson Corporation; Case No. CV-07-5886 MHP.*

*Hall v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson  
Corporation; Case No. CV-07-5887 MHP.*

1 *Jefferson v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and*  
2 *McKesson Corporation; Case No. CV-07-5888 MHP.*

3 *Fisher v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and McKesson*  
4 *Corporation; Case No. CV-07-5889 MHP.*

5 *Thornton v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and*  
6 *McKesson Corporation; Case No. CV-07-5890 MHP.*

7 *Upshaw v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and*  
8 *McKesson Corporation; Case No. CV-07-5891 MHP.*

9 *Hefner, et al. v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline and*  
10 *McKesson Corporation; Case No. CV-07-6050 JL.*

11 **DECLARATION OF KRISTA L. COSNER**

12 I, KRISTA L. COSNER, declare:

13 1. I am an attorney admitted to practice before all courts of the State of  
14 California and am an Associate with Drinker Biddle & Reath, LLP, attorneys for  
15 SMITHKLINE BEECHAM CORPORATION d/b/a GLAXOSMITHKLINE ("GSK") in  
16 this action. I make this Declaration based on my personal knowledge, in support of  
17 Defendant GSK's Motion to Stay All Proceedings Pending Transfer by the Judicial Panel  
18 on Multidistrict Litigation to MDL 1871 (E.D. PA) in the above-captioned matter. I  
19 would and could competently testify to the matters stated in this Declaration if called as a  
20 witness.

21 2. A true and accurate copy of the Judicial Panel on Multidistrict Litigation's  
22 Transfer Order, *In re Avandia Marketing, Sales Practices and Products Liability*  
23 *Litigation*, MDL 1871 (E.D.P.A.) is attached as **Exhibit A**.

24 I declare under penalty of perjury under the laws of the United States of America that  
25 the foregoing is true and correct. Executed on this 7th day of December, 2007 in San  
26 Francisco, California.

27  
28 /s/  
KRISTA L. COSNER

# **EXHIBIT A**

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**MDL 1871**UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

7:23 am, Oct 16, 2007

FILED  
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATIONIN RE: AVANDIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION

Sharon Ann Dabon v. GlaxoSmithKline, Inc., )

E.D. Louisiana, C.A. No. 2:07-3041 )

Celenio Cruz-Santana v. GlaxoSmithKline, PLC, et al., )

D. Puerto Rico, C.A. No. 3:07-1461 )

MDL No. 1871

## TRANSFER ORDER

Before the entire Panel<sup>1</sup>, Plaintiff in the action pending in the Eastern District of Louisiana, has moved, pursuant to 28 U.S.C. § 1407, to centralize this litigation in the District of Puerto Rico or, alternatively, in the Eastern District of Louisiana. This litigation currently consists of moving plaintiff's action and one action pending in the District of Puerto Rico.<sup>1</sup> Plaintiff in the latter action supports centralization in the District of Puerto Rico. Plaintiffs in potential tag-along actions pending in the Central District of California, the Southern District of Florida, the District of New Jersey, the Southern District of New York, and the District of Puerto Rico have submitted responses in support of centralization. These plaintiffs suggest a variety of fora for transferee district, including the Southern District of Florida (favored by plaintiffs in the action pending in that district), the District of New Jersey (favored by plaintiff in the action pending in that district, as well as plaintiff in the Central District of California action), the Southern District of New York (favored by plaintiffs in eight actions pending in that district), and the District of Puerto Rico (favored by plaintiffs in the action pending in that district). Responding defendant SmithKlineBeecham Corp. d/b/a GlaxoSmithKline (GSK) initially opposed the Section 1407 motion, but now supports centralization in the Eastern District of Pennsylvania.

\* Judge Hayburn took no part in the disposition of this matter.

<sup>1</sup> The Panel has been notified of 28 additional related actions pending in the Western District of Arkansas, the Central District of California (two actions), the Southern District of Florida (two actions), the Southern District of Illinois, the Southern District of Indiana, the Eastern District of Louisiana, the District of New Jersey, the Eastern District of New York, the Southern District of New York (ten actions), the Northern District of Ohio, the Eastern District of Oklahoma, the Eastern District of Pennsylvania, the District of Puerto Rico, the Eastern District of Tennessee, the Western District of Tennessee, and the Eastern District of Texas (two actions). These actions and any other related actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization under Section 1407 in the Eastern District of Pennsylvania will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Both actions arise from allegations that certain diabetes drugs manufactured by GSK — Avandia and/or two sister drugs containing Avandia (Avandamet and Avandaryl) — cause an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk. Centralization under Section 1407 will eliminate duplicative discovery, avoid inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

We are also persuaded that the Eastern District of Pennsylvania is an appropriate transferee district for pretrial proceedings in this litigation. GSK's principal place of business is located in that district, and thus many witnesses and documents relevant to the litigation are likely to be found there. In addition, one of the potential tag-along actions was commenced in the Eastern District of Pennsylvania.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the two actions are transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Cynthia M. Rufe for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



D. Lowell Jensen  
Acting Chairman

John G. Heyburn II, Chairman*	J. Frederick Motz
Robert L. Miller, Jr.	Kathryn H. Vratil
David R. Hansen	Anthony J. Scirica